

TYRONE ASSIZES (JURY PANEL).

RETURN to an Order of the Honourable The House of Commons,
dated 11 April 1804—*for*,

COPY "of the CHALLENGE to the Array of the JURY PANEL at the late TYRONE ASSIZES, and of Mr. Justice *Christian's* Ruling when Quashing the said Panel, as returned by the Sheriff."

1 May 1802.

DAVID FITZGERALD,
Clerk of the Crown for the County of Tyrone.

COPY of the CHALLENGE to the Array of the JURY PANEL at the late TYRONE ASSIZES; also of the Demurrer thereto, and the Ruling of the Honourable Mr. Justice *Christian* thereon.

COURT of Oyer and Terminer and Gaol Delivery in and for the County of Tyrone.

THE QUEEN v. JOSEPH DONNELLY.

Challenge.

Ann now at this day come as well the Right honourable Thomas O'Hagan, Her Majesty's Attorney General for Ireland, who for our said Lady the Queen now prosecutes in this behalf, as the said Joseph Donnelly in his own proper person, and the jury thereupon empanelled likewise come, and thereupon the said Joseph Donnelly challenges the array of the said panel, because he says that the said panel was arrayed and returned by Samuel Wensley Blackall, Esquire, now and at the time of the making of the array aforesaid, sheriff of the county of Tyrone, and that on the first day of January in the year of our Lord, One thousand Eight hundred and Sixty-two, there was and still is, a jurors' book in force in and for the county of Tyrone aforesaid, containing the names of all persons lawfully qualified to serve as jurors in and for the said county, for and during the year aforesaid, and which said book was made out and delivered to the said sheriff pursuant to the statutable enactments in that behalf, and that the said sheriff in the arraying and returning of the said panel, and in answer to the several precepts for the return of jurors contrary to the statutable enactments in that behalf, did array and return in said panel and said precepts severally, divers persons, to wit, Gilbert M'Hugh, of Castlederg, merchant; Francis O'Neill, of Mount Pleasant, gentleman; Hugh Quinn, of Creggan, gentleman; James Quinn, of Doneglass Bridge, gentleman; Francis M'Crossan, of Tullymuck, farmer; John Cunningham, of Lennamallard, merchant; Neal Browne, of Killeter, merchant; John Garland, of Fivemiletown, merchant; Patrick Martin, of Fivemiletown, freeholder; Felix O'Neill, of Cosh Killyman, linen-draper; Michael Quinn, of Cookstown, draper; Bernard Montague, Dungannon, draper; Charles M'Shane, merchant; John Owens, of Fivemiletown, merchant; Patrick Fitzpatrick, of Ballygawley, innkeeper; Felix O'Donnell, of Glenherdias, farmer; Alexander Mullen, of Ballygawley, merchant; James Graham, of Mountjoy, farmer; James Buchanan, of Mayne, farmer; George Buchanan, of Dervar, farmer; James Armstrong, of Fintona, merchant; Joan Graham, Strabane, merchant; John Stewart, of Lisky, farmer; John Brown, of Stragallion, farmer; William Hamilton, of Strabane, innkeeper; Thomas Agnew, of Dungannon, merchant; Andrew Jack, of Edergoll, farmer, and James Cluff, of Cookstown, cabinet-maker;

maker; whose names were not and are not contained in the said jurors' book, or in any other jurors' book lawfully in force in and for the said county, and which Gilbert M'Hugh, Francis O'Neill, Hugh Quinn, James Quinn, Francis M'Crossan, John Cunningham, Neal Brown, John Garland, Patrick Martin, Felix O'Neill, Michael Quinn, Michael Montague, Charles M'Shane, John Owens, Patrick Fitzpatrick, Felix O'Donnell, Alexander Mullen, James Graham, James Buchanan, George Buchanan, James Armstrong, John Graham, John Stewart, John Browne, William Hamilton, Thomas Agnew, Andrew Jack, and James Cluff, and which said parties are not, nor is any or either of them contained in the said or in any jurors' book for the said county, nor is any or either of them lawfully qualified to act as juror or jurors on the trial of any prisoner or prisoners at the said court of oyer and terminer and goal delivery in and for the county aforesaid, and because the said sheriff did act with partiality in arraying the said panel, for that he did omit therefrom the names of certain persons lawfully qualified to serve as jurors in and for the said county, for and during the year aforesaid, because he the said sheriff deemed them more likely to acquit than to convict the said prisoner, and did insert and return thereon the names of the said Gilbert M'Hugh, Francis O'Neill, Hugh Quinn, James Quinn, Francis M'Crossan, John Cunningham, Neal Brown, John Garland, Patrick Martin, Felix O'Neill, Michael Quinn, Michael Montague, Charles M'Shane, John Owens, Patrick Fitzpatrick, Felix O'Donnell, Alexander Mullen, James Graham, James Buchanan, George Buchanan, James Armstrong, John Graham, John Stewart, John Browne, William Hamilton, Thomas Agnew, Andrew Jack, and James Cluff, because he deemed the said Gilbert M'Hugh, Francis O'Neill, Hugh Quinn, James Quinn, Francis M'Crossan, John Cunningham, Neal Brown, John Garland, Patrick Martin, Felix O'Neill, Michael Quinn, Michael Montague, Charles M'Shane, John Owens, Patrick Fitzpatrick, Felix O'Donnell, Alexander Mullen, James Graham, James Buchanan, George Buchanan, James Armstrong, John Graham, John Stewart, John Browne, William Hamilton, Thomas Agnew, Andrew Jack, and James Cluff, because he deemed them more likely to convict than to acquit the said prisoner, and because the said panel was so arrayed and returned by and through the agency of Charles M'Crossan, Esq., solicitor, sub-sheriff of the said county, John M'Crossan, Esq., the brother of the said Charles M'Crossan, being the attorney for the next of kin of the deceased Patrick Hillon, and actively assisting in the prosecution, and interested in the conviction of the said prisoner, to the manifest wrong and injury of the said prisoner, and this the said Joseph Donnelly is ready to certify. Whereupon he prays judgment, and that the said panel may be quashed.

C. C. Davidson,
Attorney for the Prisoner.

S. Yates Johnston.
J. P. Hamilton.

Demurrer.

AND the said Thomas O'Hagan, says, that the challenge of the said Joseph Donnelly to the array of the panel aforesaid is not sufficient in law to quash the array of the panel aforesaid; and that the said challenge is double and wants form, and that there is no necessity for him, the said Thomas O'Hagan, nor is he obliged by the law of the land, to answer to the said challenge in manner and form as it is above alleged; wherefore he prays judgment, and that the array of the said panel may be affirmed.

Joinder to Demurrer.

AND the said Joseph Donnelly says, that he hath above alleged sufficient matter in law in the said challenge by him above made to the array of the panel aforesaid to quash the array of the said panel, which he the said Joseph Donnelly

Donnelly is ready to verify, which said matter the said Attorney General does not deny, nor in any manner answer thereto; wherefore the said Joseph Donnelly prays judgment, and that the array of the said panel may be quashed.

S. Yates Johnston.

Ruling, Friday, 7th March 1862.

COUNSEL having been heard, as well for the traverser as for the Crown, the Honourable Judge Christian was pleased to overrule said demurrer.

David FitzGerald,
Clerk of the Crown for the County of Tyrone.

THIRD ABIES (JURY PANEL).

*COPY of the CHAIRMAN to the JURY of the
Jury Panel, at the late Treasury Session,
and of Mr Justice Stowell's Ruling when
quitting the said Panel as ordered by the
Court.*

(Major Street Room.)

*Ordered by The House of Commons, to be Printed,
17 May 1885.*